G. R. S. 58]

*Previous references.* 1924 ( Miscellaneous ) **File No.** 119-24

**Serial Nos.** 1-2

*Later references*

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 2

**Part B for** December 1924

SUBJECT

Appeal petition from Patel Basappa & Mahadevappa of Hanakalli appealing against the Dy Com^rs order &c the management of S. No. 16 of Hanakalli purchased in the name of Siddevva devaru at the place.

No. 850 dated 10.12.24 — From B. Venkatesha Rao, Advocate, B'lore.

Govt do not see any grounds to interfere with the orders of the Dy. Com^rs which is correct

Muz 1] 1924

MUZRAI SECRETARIAT.

( Muz. )

NOTES.

File No. 119 / 1924.

FILE HEADING

Management of the land s. no. 16 of Maisavalli purchased in the Mukki Sale in the name of Sidde-mara Devaru at Harnahalli, Kumsi Sub-Taluk.

From Patel Basappa and Maruda Gowda

~~No~~ Petition Dated Received

Diary No. 619 | Enclos. 3 | Spare Copies. | Serial No

BRIEF ABSTRACT OF LETTER.

Appeals against the Shimoga Dy. Comr's order (2) reversing the Sub Asst. Collr's order sanctioning the transfer of the management of Land s no. in question from the ablé-Dummi Murigeppa to the respondent Patel of Maisavalli, and prays

NOTES AND ORDERS

that the Dy. Comr's order appealed against, may be held in abeyance and Stay Gr. maintained pending disposal of the appeal.

The petition is duly stamped.

2 The Dy. Comr's. order appealed against is dated 29th July 1924.

NOTES--First Sheet

WD 0560—GPB—500—9 8 22

General and Revenue Secretariat.

File No. 119 of 19 24

Serial No.

W

appeal petition was presented to the Murrai comr on 16-10-1924. In his endt no. 260 dd 2-11-24, the Murr. comr directed the apltt to go to Govt, and the appeal has been filed in this office on 5-11-1924.

Submitted

A/

8.11

A report with comments may perhaps be called for from the Dy comr with the opinion of the Murr comr on the matter. Also copy of proc: dem called for.

BG

8/11/24.

The institution here is a non-Murrai one, the Dy Comrs order is quite correct. The petition appeal may be rejected

8.11.24. R.B.

Rejected

11 Nov

I agree

22/24

24.11

24.11

513/19.11

NOTE—Contn Sheet

G.D.S. III 21

Mag. File No.

Dft. Vakeel Sri T. K. Ramadasa Iyer

A:7
17.11.24

17/11/24

Sahu

To Mr. B. Venkata Rao, Advocate, Banga-
lore. No. 850 d. 10.12.24. Informs him that
you do not see any grounds to interfere
with the order of the Dy Commr" which
is correct.

" " other year's Commr" No. 851 d.
10.12.24. 2nd copy of the above.

9½-25-
6/6.

Office of the Muzrai Commissioner in Mysore. 4
Dated Bangalore, 31st October 1924.

Muzrai 19-24-1. 3rd November

ENDORSEMENT.

6-NOV.24 MUZRAI D.No 619.

With reference to his appeal petition presented to this office on behalf of the appellants Patel Basappa and Maradveerappa of Harnahalli, Kumsi Sub Taluk, appealing against the Shimoga District Deputy Commissioner's orders reversing the Sub Division officer's order directing the transfer of the management of the land S.No.16 of Maisaval 1 purchased in the name of the Siddeswara devaru at the place, Mr. B. Venkatesa Row, Advocate, for the appellants is informed that an appeal in this matter lies only to Government under the Muzrai Regulation. The enclosures to his appeal petition are herewith returned.

For Muzrai Commissioner.

KSR.

directing the transfer the management of the 10th land bearing S.N. 16 of Mayavaram village which had been purchased in the name of Sri Devasthanam from the present respondents to the appellants and set forth the following grounds: —

1) The learned Deputy Commissioner erred in holding that the S.D.O. had no jurisdiction in the matter. The sole ground that no fraud had been attached to the temple question

2) That the S.D.O had ample jurisdiction in the matter under Secs 9, 10 & 11(c) of the Madras Regulation which relate to religious and charitable institutions other than those contemplated and defined in Sec 2 respectively Religious Institutions.

3) The order under appeal was passed ex parte and without any notice to the appellants; besides the matter has been disposed of on the Preliminary ground of jurisdiction without considering the merits of the case of either party

4) That the land in question was validly purchased in the name of the deity by Committee of

all the members concerned including the respondents and the respondents present claim no owners contributions or gross interests of them - copies of legal Enquiry officers.

5) That the possession of the land must be deemed to vest in the Community of the body of villagers and as a matter of fact the tenants cultivate the land in question on behalf of the villagers.

6) That the Lower Court while assuming that the respondent had only a right of management which was in dispute, has erred in denying jurisdiction the proceeds urged on behalf of the respondents. the Lower Court are not tenable

7) That - if for any reason the Government holds that the management may continue with the respondent, it is necessary that proper safeguards by way of security or otherwise be taken for the proper & efficient management thereof, and to secure that the proceeds of the land are appropriated for the use & benefit of the deity - in whose name the land has been purchased.

8) The ends of justice & the land after due enquiry, and having regard to all the equities of the case, and the Scheme is liable to be revised under the Circumstances the case

Respondents further pray that the order of the Deputy Commissioner be held in abeyance, and status quo be maintained during the pendency of the appeal - as otherwise the interests of the temple will suffer. The 1st applicant was placed in possession of the land as per order dt 5/5/70 by the Sheristadar as far back as 20/6/1923. Endorsement marked herewith. As the proceeds are being dedicated for the use of the temple, it is humbly prayed proceedings in execution may be stayed pending disposal of the appeal.

B. Venkatasubba Rao
Advocate for
Appellants

Bangalore
15/10/24

Enclosures

1) Power of attorney - vakalath
2) certified copy of the order under appeal

3) Sanad-i-milkiat issued under Sec 55 K.R. code on 11-2-1911 in the name of the Deity of S. No 16.

4) Endorsement from the Sheristadar intimating delivery of possession of land in question to Pattegar on 20/6/23.

in all 4 Enclosures

B Venkatasubba Rao.
Adv for Appellants
15/10/1924

ಅಪೆಂಡಿಕ್ಸ್ D.

ನಮೂನೆ ನಂಬರು 2

(XXನೇ ರೂಲಿನ 28ನೇ ಖ್ಯಾರಾವೆನ್ನು ಅನುಸರಿಸಿದ್ದು):

ಜಮೀನ್ ಹಿಡುವಳಿ ಬಗ್ಗೆ ಕೊಡಲ್ಪಡಬೇಕಾದ ಲಿಖಿತ ಮೂಲಕೆವಾದ

ಮಂಜೂರು ಹುಕುಂ ನಮೂನೆ.

58ನೇ ಸೆಕ್ಷನ್ ಮೇರಿಗೆ ಅಮಲ್ದಾರಿಂದ ಕೊಡಲ್ಪಡತಕ್ಕದ್ದು.

—

ನಿವಾಸಿಯಾದ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಕಲೆಕ್ಟರಿ — ತಾಲ್ಲೂಕಿನ

ಗ್ರಾಮದ ವಾಸಸ್ಥನಾದ ಡಿಸ್ಟ್ರಿಕ್ಟ್

ತಾಲ್ಲೂಕು ——— ಗ್ರಾಮದಲ್ಲಿರುವ ಸರ್ವೆ ನಂಬರು 46

—ನೇ ಜಮೀನನ್ನು ಮಾಡಿಕೊಳ್ಳಲು ಇದರಿಂದ ಮಂಜೂರು ಹುಕುಂ

ಕೊಡಲ್ಪಟ್ಟಿರುತ್ತೆ.

ತಾರೀಖು 11 ಫೆಬ್ರವರಿ —ನೇ ಮಾಹೆ ಸನ್ 1921 ನೇ ಇಸವಿ

ಮೊಕ್ಕಾರ್, ಮೈಸೂರು

ಅನುಲದಾರ್

WD 02214—GPB—35,500—28-4-17—S.

ధన్యవాదములు

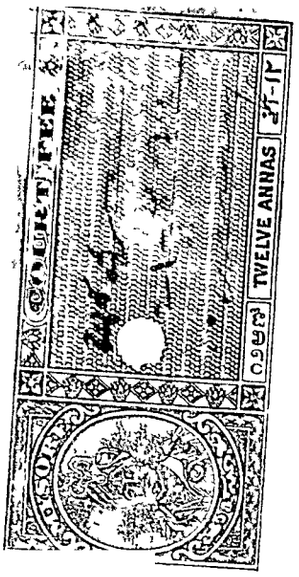
ప్రత్యక్ష పరిచయ పరిశీలనలు

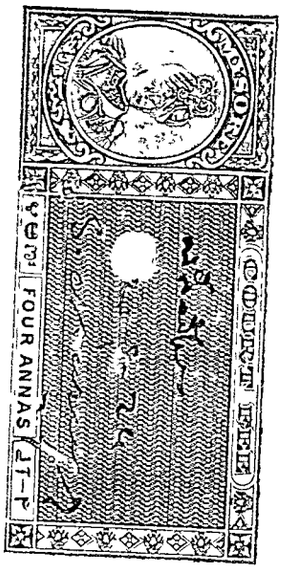
ఇట్లు

మాన్య సభ్యులు 16 నుండి శ్రీ 6-10 ఆదివారం 18-వ
కళ్యాణ మండపమున కొండపల్లి రాయ 5/11 ఉదయం
కొండపల్లి రాయ ఈ సంబంధించి రాయ చేయవలసిన
కరంచగలరు - ఈ సభ మీ సంబంధించి రాయ చేయవలసిన
కరంచగలరు - సభాసమయమునకు

కృతజ్ఞతాభివందనములు

20/6/23.




EIGHT ANNAS

In the Court of the Deputy Commissioner
Shimoga District

Present:- A.M. Bayar, Tajpeer and Sessions
Deputy Commissioner
Shimoga District.

Revenue Appeal No. 48/23-24.
Dated 29th July 1924.

Appellant :- Dummi Murigappa
Resident of Kannahalli, Hunsi
(By Mr. V. Narasimhamoorthi Rao - Pleader.)

Respondent :- Govt. (Pattegar Basavanthi)

This is an appeal against the order of the Sub Division Officer Hunsur confirming the orders of the Deputy A.C. Hunsi directing the transfer of the management of land S. No. 16 of Kannahalli purchased in the mukki Sale in the name of the Siddeswara Devaru from the appellant to the Respondent.

Facts of the Case

It is reported that Survey of Kannahalli Kuriyaji Sub Di

assessed at Rs 0-4-0 & wet 5
assessed at Rs 17-12-0) was purchased
in Malki Sale in the year 21-22
by the Village of Muisavalli for
Siddeswara Devare and the mana-
gement of it was left with the
appellant. The Villagers petitioned
on 2.4.23 to the Deputy Builder
that the Vahivat of the land
might be changed from the hand
of the appellant as he was trying
to dispose the institution and that no
migale was being paid by him.
A Notice was served on the appellant
on 17.4.23 to show cause why the
prayer of the petitioner should
not be granted but he failed to
do so. The D. only Builder being
satisfied from enquiry that the
~~about~~ intents of the institution
would be better safe guarded

and secure it left in the manage-
-ment of the villagers instead of the
appellant who was living in a different
village and considering that the Village
Patel was the fit person to manage on-
behalf of the villagers the affairs of
the Siddeo eravaram Temple, pa-
-ssed orders on 25-4-23 directing the
transfer of the management of the land
in question from the appellant to the
Patel of Marsavalli. In, feal has
preferred to the Sub-Division officer
against the order of the Deputy
Collector. The appellant contested
that he bought the land as a
Malki Sale for himself and had
it made out nominally in the
name of Siddeswara Devaru. The
Sub Division officer passed order
on 2-4-24 confirming

of the Deputy Builder and that
that the Khata of S. No 17 Should
remain in the name of Sidheswara-
Devaru and the management thereof
might be in the hands of the Patel
for the time being, he being responsi-
ble for the payment of Kandaya
thereon and the proper up keep of
& worship at the temple. The
present appeal is against the
above order of the Sub Division
officer. The grounds of appeal are:—
1) That the temple does not come
under Village Inegrai constitution
as it has neither the come nor inam
or Shri lands independent of the
one in question—
2) That the Malki was paid by the
Village and by their consent the
appellant was left as Vahivatdar
is untrue as can be seen by the
Sale chit produced
(3) That the Deputy Build. Thought

though a Mugrai officer has absolutely no reason to interfere in the alteration of the management of the land purchased privately by the appellant and deprive of his possession. The mere purchase in the name of a deity does not become a matter of entry.

4) That the land purchased in the name of deity has not become the property under Government management as the land is not a source of profit unless cap and labour is employed on same for the reason that donated gifts should not be accepted by Government.

5) That the condition of the villagers neglect of the temple for so many years having left the walls or roof and

month watered When land in question was brought under cultivation is clear by the application for the management of the land after two years improvement of the same by the appellant.

6.) That the alteration of the Ithake in the Pattah name of the Devaru - omitting the name of the purchaser is untenable.

7) That the land was transferred to the management of either Govt or Villagers by the appellant by gift, endowment or trust is clear by his conduct in investing money and paying Kandayam

—For the foregoing reasons the appellant prays for restoration of the management of the land in question.

Sagwali Chit was issued in the name of the appellant for Siddeswara Dev :—

Order

Order.

Perused the records and hear
mr. Narasimhamoorthi for the appe
-ant. Both the Lower Courts have
passed orders in favour of the re-
spondents assuming that the law
comes under the category of the mu-
ttavalli institution which is not the fact.
The temple has neither in
nor Sasdik. It is a private institu-
-tion the management of which
was purely with the appellant I
believe that the Lower Courts had no
jurisduction to direct that the
appellant should be deprived of
his right of management. If the
appellant is alleged to have mis-
managed the affairs of the
The respondents are competent
to take action in the Civil Court

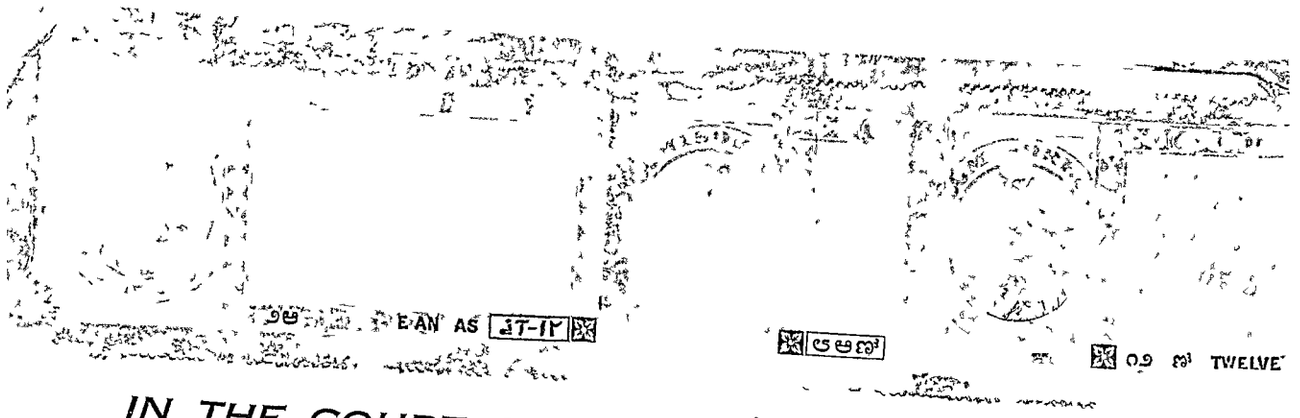
Or the Sub Division
have passed order
of Magrai Regulations
The order of the Lower
appellate Court is reversed with Cost.

Sd/ A. K. Syed Taj Peerai
Deputy Commr
24.

"True Copy"
Revenue Sheristadar

Copy applied on. 21. 8. 24.
Copy ready on — 22. 8. 24
Copy delivered on — 22. 8 24
Copied by Sathik. Thirty words —
Compared by — Venkatagiri 28.
Copying fees. 1-8-0
Comparing fees -0-6-0

words
Section 4




# IN THE COURT OF THE Mysore Comm Bangalore

per Mysore Appl No
CASE NO OF 192-4192 25.

Appellant, Plaintiff

Patel Basappa & another Vs

Respondent, Defendant

Dummi Annajiappa

I/We.....the..... ...appellants ....above named do, by these presents (1) retain MR. B. VENKATESA RAO, B. A., B. L., Advocate to appear in and conduct the above case on...our.....behalf to judgment

2 .....we.....further empower him to execute any decree or order that may be passed in ...our.....behalf and to receive from Court such sums of money as.. we.....may be entitled to get and to grant receipts thereto

3 .....we.....also undertake to confirm and ratify all the legal acts done by the said Advocate in so doing

17. 9 26

Accepted

B. Venkatesa Rao

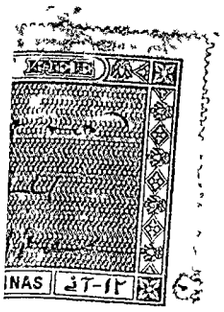
Advocate for appellants

15/10/26

Signed before me and personally known to me

Advocate

B. S. Iyengar, Printer & Stationer, B City


NAS

Muz 4]

SUBJECT ..... ..... ..... ..... ..... ..... .....

..... ..... ..... .....

..... ..... ..... ..... ..... ..... .....

*Diary No. of letter replied to* _____

Muzrai Secretariat

( )

*, the* *192* .

**Section**

**File No.**

**Serial No**

No

To

Date of issue _____

Signed by _____

With reference to his appeal petition No. 619—D.S.11.24 presented on behalf of Patel Basappa and Nadaweerappa of Harnahalli, Kunsi Sub-Taluk, appealing against the Revision Dy. Comrs. order directing the transfer of the management of the Lands S.

Regd

Mar 24/12

purchased in the name of
the Siddamara Devaru
at the place, Mr. B. Venkatesha Rao,
Advocate, is impressed that
the issue being a revi-
sional one, ~~the Hy.~~ Govt. are not prepared to
~~Court's order is quite correct~~. interfere with the Dy Com.
order.
The appeal petition
is accordingly rejected. Govt do not ~~suffer~~
see any grounds to interfere
with the order of the Dy
Com., which is correct

By order,

Dy Sec. to Govt.

Dy. Rev. Secretary.
Rly. 11. 24

Copy to Mag. Com

851 & 10.12.24

*List of enclosures.*

B. O

Rev. Secretary
Rly. 11. 24

*Copied by*

*Examined by*

WD 0563– GPB—2 500—27 7 22